



SO ORDERED: January 29, 2021.

  
Jeffrey J. Graham  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

In re: )  
DEREK KEVIN CUSHENBERRY ) CASE NO. 17-00460-JJG-13  
Debtor. )

ORDER GRANTING DEBTOR'S AMENDED MOTION TO MODIFY CHAPTER 13  
PLAN PURSUANT TO 11 U.S.C. SECTION 1329(d) (Doc. 111)

This matter comes before the Court on the Debtor's Amended Motion to Modify Chapter 13 Plan Pursuant to 11 U.S.C. Section 1329(d) (Doc. **111**) filed **12/22/20**.

And the Court, having extended notice and no objections to said Motion having been filed, or if filed, said objection having been resolved or withdrawn, now finds that said Motion should be granted.

It is, therefore, ORDERED, ADJUDGED AND DECREED that the Debtor's Section 1329 Motion to Modify Plan after confirmation (Doc. 111) shall be granted.

It is FURTHER ORDERED that the Debtor shall pay Ann M. Delaney, Trustee,

as follows:

1. \$3,500 per month for 38 months commencing January 1, 2021.
2. As of December 20, 2020, Debtor has paid \$171,000 into the plan. The term of the plan shall be extended to 84 months for a total plan base of \$304,000.
3. Per the Court's Order approving Special Counsel entered December 16, 2020 (Doc 107), any funds recovered by suit or settlement of debtor's claims arising from the fire on April 12, 2020 are to be paid over to the Trustee for further distribution.
4. Collateral values and interest rates on secured claims shall remain as confirmed, but the equal monthly amount to secured claimants may be reduced due to the extended term.
5. Debtor's income leases at 40<sup>th</sup> Street and Boulevard Place are rejected. The lease with Northpark Credit Union is rejected.
6. Debtor will file tax returns when due and provide copies to the Trustee through 2023.
7. Except as modified herein, all other terms of the plan (Doc 43) and Order Confirming Plan (Doc 86) shall remain in effect as confirmed.

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